

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:11-CV-23-D

NATIVE ANGELS HOMECARE AGENCY,)
INC., North Carolina Corporation,)
)
PLAINTIFF,)
)
v.)
)
KATHLEEN SEBELIUS, Secretary of)
the United States Department of)
Health and Human Services,)
in her official capacity,)
)
DEFENDANT.)

**ORDER TO STAY CIVIL ACTION
PENDING FINAL ACTION IN RELATED FOURTH CIRCUIT APPEAL**

For good cause being shown upon the joint motion of the parties, the United States of America, on behalf of Kathleen Sebelius, Secretary of Health and Human Services and the plaintiff, Native Angels Homecare Agency, Inc., it is hereby ordered that:

This civil proceeding, any underlying administrative proceeding, any attempt by the Secretary to recover funds and any accrual of interest on the alleged overpayment at issue is hereby stayed until final resolution of the Native Angels Homecare Agency, Inc., v. Kathleen Sebelius, Case No. 7:09-CV-187-D (E.D.N.C.), currently on appeal before the Fourth Circuit Court of Appeals in Native Angels Homecare Agency, Inc., v. Kathleen Sebelius, Case No. 11-1091, and all positions, arguments and

defenses of the parties are preserved, based upon judicial economy and the interests of justice.

It is further ordered that the plaintiff, through counsel, shall inform the Court and the other party upon the final resolution of the related civil action.

So ordered this 24 day of March, 2011.

A handwritten signature in black ink, appearing to read "James C. Dever", is written over a horizontal line.

JAMES C. DEVER
United States District Judge